

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13834, of the National Shrine of the Immaculate Conception, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.44 to permit the continuation of a parking lot in the R-5-A District at the premises 300 Michigan Avenue, N. E., parcel 121/22.

HEARING DATE: October 13, 1982
DECISION DATE: January 5, 1983

FINDINGS OF FACT:

1. The subject site is located in an R-5-A District at the premises 300 Michigan Avenue, N. E. The site has street frontages on Michigan Avenue, N. E., and Harewood Road, N. E.
2. The subject property is owned by the National Shrine of the Immaculate Conception, hereinafter referred to as the "Shrine." The site has been owned by the Shrine since the original application for a special exception, to operate a parking lot, No. 6105, was filed in 1960. The applicant has requested and obtained renewal three times since, in Application Nos. 8437, 10609 and 12121.
3. The subject site is presently being used as a parking lot under BZA Order No. 12121, dated June 29, 1976. Certificate of Occupancy No. B100490 issued pursuant to that order expired on June 29, 1981. The subject application was filed June 24, 1982.
4. The lot has been operating without a Certificate of Occupancy for approximately one year. The Director of Finance for the Shrine testified that he was unaware of the expiration date when he assumed his duties in April, 1982, and that he was not knowledgeable about zoning regulations and filing procedures.
5. The applicant requests permission to continue the use of the site as a parking lot to serve visitors to the Shrine. The Director of Finance testified that approximately 500,000 persons visit the Shrine annually. The 382 space parking site handles bus and car traffic coming to the Shrine. The subject lot is open to the public without charge.

6. There are other parking lots in the area but these are owned by Catholic University and are restricted, paid-parking lots for university personnel. The metered parking sections within the University are unavailable to Shrine visitors.

7. The subject site is used primarily during the day. No illumination is provided during evening hours unless the Shrine schedules evening activities. There are two signs posted on the lot, one on Harewood Road and one on Michigan Avenue. The signs read "National Shrine Parking, Visitors only, private property."

8. The parking lot is unattended. The applicant retains guards at the Shrine which is directly across the street from the lot. These guards are available to the parking lot if needed. Maintenance of the site is contracted out to outside services which clean the site twice a week and maintain the landscaping once a week.

9. The applicant testified that it received no complaints about site operation and maintenance or adverse traffic impact due to the parking lot.

10. All conditions of Article 74 have been met, except for the required bumper stops. The applicant noted that there are no buildings adjoining the parking lot and that there are raised area separations between parking aisles. The applicant saw no need for bumper stops.

11. The Board at the public hearing noted that the applicant had not responded to a Department of Transportation memorandum, dated July 21, 1982, requesting specific site information. The Board explained the necessity of the applicant's providing site plans illustrating, in detail, the plot plan and delineating the location of each parking space, landscaping and the size of each parking space. The applicant testified that drawings of the site were submitted on October 1, 1982, to the BZA record, but no copy was submitted to the DOT for its review, as required. The Board left the record open for the applicant to respond to the DOT's request for the aforementioned specific evidence.

11. Advisory Neighborhood Commission 4D, by letter dated October 7, 1982, reported that it supported the application. The ANC gave no grounds for its support.

12. There was no opposition to the application of record or at the public hearing.

13. The Department of Transportation, by memorandum dated November 26, 1982, reported that it had no objections to the continued use of the site as a parking lot by the

applicant. The DOT further reported that the lot serves the visitors to the Shrine. Its inspection found the lot to be clean and very well maintained and in compliance with the Board's prior Order of May 25, 1976. The Board concurs in the findings and recommendation of that DOT.

CONCLUSIONS of LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The site is reasonably necessary and convenient to other uses in the vicinity and the usage does not result in objectionable traffic conditions.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring properties. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS.

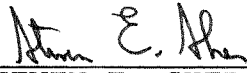
- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the prior order, namely from June 29, 1981.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings, if any.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (William F. McIntosh and Charles R. Norris to grant; Maybelle Taylor Bennett and Douglas J. Patton to grant by proxy; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

APR 11 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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